



ROCKWALL CITY COUNCIL MEETING

Monday, June 3, 2024 - 5:30 PM

City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087

I. Call Public Meeting to Order

Mayor Johannesen called the public meeting to order at 5:30 p.m. Present were Mayor Trace Johannesen, Mayor Pro Tem Clarence Jorif and Councilmembers Sedric Thomas, Mark Moeller, Dennis Lewis and Tim McCallum. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza joined Executive Session virtually. Councilmember Anna Campbell was absent from the meeting.

Mayor Johannesen read the below listed items into the record before recessing the public meeting to go into Executive Session.

II. Executive Session

- 1. The City of Rockwall City Council will recess into executive session to discuss the following matter(s) as authorized by chapter 551 of the Texas government code:** Discussion regarding possible sale/purchase/lease of real property in the vicinity of John King Blvd. and IH-30, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- 2. Pulled from Public Meeting Agenda: Action Item #2.** Discuss and consider approval of a resolution consenting to the (re)assignment of the "Marina Concessions Agreement" and authorizing the City Manager to execute the associated "Contract Assignment Consent Agreement" related to the existing concession agreement between the City of Rockwall and Harbor Bay Marina Corporation, LLC - (re)assigning it to Harbor Bay Marina, LLC., wholly owned by Brooke Development Company, LLC - and take any action necessary. (Pursuant to Section §551.071 (Consultation with Attorney))

III. Call Public Meeting Back to Order (6:00 p.m.)

Mayor Johannesen called the public meeting back to order at 6:00 p.m.

IV. Invocation and Pledge of Allegiance – Mayor Pro Tem Jorif

Mayor Pro Tem Jorif delivered the invocation and led the Pledge of Allegiance.

V. Proclamations / Awards / Recognitions

- 1. Elder Abuse Awareness & Prevention Month Proclamation**

Sue Ellen Stalder with the TX Department of Family Protective Services came forth. Mayor Johannesen read the proclamation and presented it to Ms. Stalder. She thanked the mayor for issuing the proclamation and

shared brief comments about her organization, which helps elderly and disabled within our community.

VI. Open Forum

Mayor Johannesen explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed Open Forum.

VII. Take any Action as a Result of Executive Session

Council took no action as a result of Executive Session.

VIII. Consent Agenda

1. Consider approval of the minutes from the May 20, 2024 city council meeting, and take any action necessary.
2. **Z2024-016** - Consider a request by Keith Green for the approval of an **ordinance** for a Specific Use Permit (SUP) amending Ordinance No. 23-65 (S-321) for a Guest Quarters/Secondary Living Unit on a 0.22-acre parcel of land identified as Block 43A of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 605 E. Washington Street, and take any action necessary **(2nd Reading)**.
3. **Z2024-017** - Consider approval of an **ordinance** for a Text Amendment amending various *Articles* of the Unified Development Code (UDC) for the purpose of clarifying and consolidating certain requirements related to *Commercial Antennas*, changing the *Private Tennis Court* land use to *Private Sports Court with Standalone or Dedicated Lighting* and providing new conditional land use standards, making certain clarifications associated with the approved landscape materials, and clarifying and correcting grammatical errors in various other sections, and take any action necessary **(2nd Reading)**.
4. **Z2024-018** - Consider a request by Marisol Ortiz on behalf of Ricardo Alonso for the approval of an **ordinance** for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 0.121-acre parcel of land identified as Lot 49 of the Canup's Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 302 E. Bourn Street, and take any action necessary **(2nd Reading)**.
5. **Z2024-019** - Consider a request by Dewayne Cain for the approval of an **ordinance** for a Specific Use Permit (SUP) amending *Ordinance No. 19-23 (S-210)* to allow for the expansion of an existing *Guest Quarters/Secondary Living Unit and Barn or Agricultural Accessory Building* on a 10.80-acre parcel of land Lot 1, Block A, DC Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 839 Cornelius Road, and take any action necessary **(2nd Reading)**.
6. **Z2024-021** - Consider a request by Saul Perez for the approval of an **ordinance** for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 1102 of the Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 302 Evans Road, and take any action necessary **(2nd Reading)**.

7. Consider approval of an **ordinance** amending Chapter 13, *Rental Housing*, of the Municipal Code of Ordinance for the purpose of requiring background checks in conjunction with the permitting requirements for *Short-Term Rentals (STRs)*, and take any action necessary **(2nd Reading)**.
8. **P2024-018** - Consider a request by Robert Howman of Glenn Engineering on behalf of Tim Lyssy of the Rockwall Independent School District (RISD) for the approval of a Vacating Plat and Replat for Lots 2 & 3, Block A, Rockwall CCA Addition being a 79.54-acre parcel of land identified as Lots 2 & 3, Block A, Rockwall CCA Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 95 (PD-95) for Neighborhood Service (NS) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, addressed as 2301 & 2727 John King Boulevard, and take any action necessary.
9. Consider authorizing the City Manager to execute a professional engineering services contract with Kimley-Horn and Associates, Inc. to perform the engineering design services and specifications for the North Lakeshore Drive (State Highway 66 to Masters Boulevard) Reconstruction Project in an amount not to exceed \$1,553,700.00, to be paid for by 2018 Street Bond funds and water/wastewater funds, and take any action necessary.
10. Consider approval of a recommendation from the Hotel Occupancy Tax (HOT) Subcommittee awarding funding for the County and District Clerks' Association of Texas Annual Conference in the amount of \$30,000, authorizing the City Manager to execute the associated agreement, and take any action necessary.
11. Consider approval of an expenditure in the amount of \$238,184.00 and authorize the City Manager to execute (emergency) purchase orders to Waukesha-Pearce associated with generators at The Shores Lift Station that were impacted in the May 28, 2024 severe weather storm event, to be funded by the Wastewater Operating Budget, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11). Councilmember Thomas seconded the motion, and the ordinance captions were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 24-20
SPECIFIC USE PERMIT NO. S-332

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING ORDINANCE NO. 23-65 [S-321] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR GUEST QUARTERS/SECONDARY LIVING UNIT ON A 0.22-ACRE PARCEL OF LAND, IDENTIFIED AS BLOCK 43A OF THE B.F. BOYDSTUN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 24-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING VARIOUS ARTICLES AS DEPCITED IN *EXHIBITS 'A' THROUGH 'J'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 24-22
SPECIFIC USE PERMIT NO. S-333

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.121-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 49 OF THE CANUP'S ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 24-23
SPECIFIC USE PERMIT NO. S-334

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW THE FOR A *GUEST QUARTERS/SECONDARY LIVING UNIT AND AGRICULTURAL ACCESSORY STRUCTURE* ON A 10.80-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK A, DC ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 24-25
SPECIFIC USE PERMIT NO. S-335

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* ON A 0.1650-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1102 OF THE LAKE ROCKWALL ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS

ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

CITY OF ROCKWALL
ORDINANCE NO. 24-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ROCKWALL, BY AMENDING CHAPTER 13, *RENTAL HOUSING*, OF THE MUNICIPAL CODE OF ORDINANCES AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve the entire Consent Agenda passed by a vote of 6 ayes with 1 absences (Campbell).

IX. Action Items

1. **Z2024-020** - Discuss and consider a request by Antonio Borjas for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 1.5 (SFE-1.5) District and a Light Industrial (LI) District for a 9.4411-acre tract of land identified as Tract 3-4 of the J. H. Bailey Survey, Abstract No. 45, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, situated in the SH-276 Overlay (SH-276 OV) District, addressed 172 Zollner Road, and take any action necessary (2nd Reading).

Planning Director, Ryan Miller shared that this item did not receive unanimous approval at the last council meeting. Therefore, it's been placed under "Action Items" rather than the "Consent Agenda."

Councilmember Lewis moved to approve this agenda item. Councilmember Thomas seconded the motion. Mayor Pro Tem Jorif articulated brief comments, indicating that since the last meeting he conducted extensive research on this item; however, he does not want to give the perception of a 'flip flop' vote, so he will therefore be voting against this requested zoning change this evening. While he believes the property owner has a right to sell his land, he believes the majority of this property should remain "AG" so the city has an ability to determine, in the future, what's going to go there and make appropriate decisions on behalf of the City. The mayor commented that at the last council meeting, the city attorney had pointed out that approval is not subject to knowing the future projects (what will eventually be built). Councilmember McCallum reminded the mayor that the city attorney also concurred that it is the city council's right to use its discretion on any and all zoning decisions made. Therefore, he indicated, that he will be voting against approval of this item tonight as well.

The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 24-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT AND LIGHT INDUSTRIAL (LI) DISTRICT FOR A 9.4411-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3-4 OF THE J. H. BAILEY SURVEY, ABSTRACT NO. 45, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY

DESCRIBED AND DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve passed by a vote of 4 ayes, 2 nays (Jorif and McCallum), and 1 absence (Campbell).

2. Discuss and consider approval of a resolution consenting to the (re)assignment of the "Marina Concessions Agreement" and authorizing the City Manager to execute the associated "Contract Assignment Consent Agreement" related to the existing concession agreement between the City of Rockwall and Harbor Bay Marina Corporation, LLC - (re)assigning it to Harbor Bay Marina, LLC., wholly owned by Brooke Development Company, LLC - and take any action necessary.

Planning Director, Travis Sales, shared that all of the representatives associated with this reassignment are present this evening at the council meeting, and staff is happy to answer any questions if necessary.

Councilmember McCallum thanked the existing company (and Mr. Jim Rosenberg) for managing the marina here since the 1980s. He then made a motion to approve the resolution consenting to the (re)assignment to Brooke Development Company, LLC. Councilmember Thomas seconded the motion, which passed by a vote of 6 ayes with 1 absence (Campbell).

3. Discuss and consider authorizing an expenditure of up to \$78,000 through the city's solid waste contractor (Republic Waste) for additional boom trucks to be secured and utilized for storm-related tree and/or debris removal associated with the May 28, 2024 severe weather storm event, and take any action necessary.

City Manager, Mary Smith shared a few photos trees around town that fell during the recent severe storms. She shared that clean-up like this in the past has taken about six to eight weeks to complete. While city residents do have some patience with clean-up efforts, staff has already begun receiving phone calls from residents asking when the debris that has been moved to the curbs will be picked up and gone. Although the debris is not yet doing so, the next concern of residents will soon be that the debris is causing their grass to die. Also, the sitting debris can block drainage and cause other issues. So, it's important to get the debris picked up and off the curbs soon.

Mr. Rick Bernas with Republic Waste came forth and shared that his crews have seen in one day, just on two streets, the volume of 'bulk' that is typically picked up within the entire city in a one month timeframe. He shared that the north side of the city is a lot worse off than the south portion of the city. Also, the landfills are flooded, so that aspect is taking twice as long as expected. He committed to try and get the debris off the curbs and streets as soon as possible and to also continually communicate progress to city staff.

Mayor Johannesen and Councilmember Lewis both expressed the belief that this is a good use of funds. He then made a motion to authorize approval of this item, as described in the caption. Mayor Pro Tem Jorif seconded the motion, and he thanked Mr. Bernas and his crews for all their work. The motion then passed by a vote of 6 ayes with 1 absence (Campbell).

X. City Manager's Report, Departmental Reports and Related Discussions Pertaining To Current City Activities, Upcoming Meetings, Future Legislative Activities, and Other Related Matters.

1. City Manager's Report - Update regarding May 28, 2024 severe weather storm

City Manager Mary Smith provided an update to Council regarding the storms early last week, indicating

that city municipal facilities sustained damage (i.e. the Tuttle ball fields; a new metal fence at a cemetery, and extensive tree damage at city parks and in city rights-of-ways). The summer softball season has had to be cancelled due to 17" of rain having fell before April 1 (not including hard rains that just fell this evening). The city will be filing insurance claims to help with the cost of some of the needed repairs. The shade structure at Tuttle ball fields alone was over \$150,000 to replace. Mrs. Smith shared that most Oncor electric / power customers have had their power restored, but about 18 outages still remained as of midday today (down from about 24,000 original outages). Mrs. Smith shared that some unexpected flooding has occurred due to the bulk debris being placed in the rights-of-ways and blocking ditches and drains. She shared that one area of power outages required that four electric poles be replaced. The mayor commented that Oncor crews are working diligently and as fast as they can to restore power to all customers. She believes all traffic lights are now properly working. There may be additional limbs and trees that come down later on, the volume of which is not able to be predicted.

2. Building Inspections Department Monthly Report
3. Fire Department Monthly Report
4. Parks & Recreation Department Monthly Report
5. Police Department Monthly Report
6. Sales Tax Historical Comparison
7. Water Consumption Historical Statistics

XI. Adjournment

Mayor Johannesen adjourned the meeting at 6:24 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 17th DAY OF JUNE, 2024.


TRACE JOHANNESSEN, MAYOR

ATTEST:


KRISTY TEAGUE, CITY SECRETARY

